



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

Date: DEC 19 2006
File No. 01S0645 (CFC)

Certified Mail No.

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7003 3110 0002 6556 6351
Union Oil Company c/o
Chevron Environmental Management Company
Superfund & Property Management Business Unit
Attn.: Mr. Michael Mailloux
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Las Vegas II Storage LLC
c/o Caster Group
Attn: Brian R. Caster
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brcaster@castergrp.com

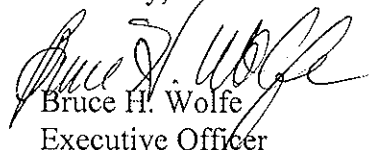
SUBJECT: Transmittal of Final Order – Amendment of Site Cleanup Requirements (Order No. 90-133) for Property at 401 and 411 High Street, Oakland, Alameda County

Dear Mr. Supple, Mr. Mailloux, Mr. Koch, and Mr. Caster:

Enclosed is Board Order No. R2-2006-0084, which was adopted by the Board on December 13, 2006. This Order amends the site cleanup requirements (Order No. 90-133) for the subject site.

If you have any questions, please contact Cleet Carlton at (510) 622-2374 [e-mail ccarlton@waterboards.ca.gov].

Sincerely,


Bruce H. Wolfe
Executive Officer

Attachment
cc w/attach: Mailing List

Mailing List

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2006-0084

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 90-133) FOR:

UNION OIL COMPANY OF CALIFORNIA
ATLANTIC RICHFIELD COMPANY
RICHARD KOCH, trustee for THE R&N KOCH TRUSTS
LAS VEGAS II STORAGE, LLC
FOSTER CHEMICAL COMPANY

for the property located at

401 and 411 HIGH STREET
OAKLAND, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Water Board), finds that:

1. **Water Board Orders:** The Water Board adopted site cleanup requirements for this site on September 19, 1990 (Order No. 90-133). An amendment to the site cleanup requirements was adopted on March 17, 1993 (Order No. 93-025). The rationale for this amendment was to allow additional time for interim groundwater treatment and require the submittal of a five-year status report. A second amendment to the site cleanup requirements was adopted on May 20, 1998 (Order No. 98-041). The rationale of this amendment was to remove the 301 High Street property from the Site Cleanup Requirements. The 401 High Street property is subject to an NPDES General Permit adopted on July 21, 2004 (Order No. R2-2004-0055; NPDES No. CAG912003).
2. **Reason for Amendment:**
 - a. In Orders No. 90-133 and 93-025, two of the named dischargers were referred to as "The Koch Trust" and "ARCO Corporation". Based on discussions with these dischargers, the legally applicable names are "Richard Koch, trustee for the R&N Koch Trusts" and "Atlantic Richfield Company", respectively.
 - b. In 2003, Las Vegas II Storage, LLC purchased the 401 High Street property from Unocal. Therefore, as the current owner of the 401 High Street property, it would be appropriate to name Las Vegas II Storage, LLC as a discharger with secondary liability.

- c. Sections C.1 and C.3 of Order 90-133 included tasks which required the dischargers to submit work plans and technical reports to determine the lateral and vertical extent of soil and groundwater pollution. Subsequent investigations and an evaluation of previous investigations have revealed numerous data gaps which include areas where the concentrations of chemicals in soil, groundwater, and soil gas exceed the appropriate environmental screening levels (ESLs; Water Board, February 2005) for the site. These data gaps need to be addressed to complete a site conceptual model.
- d. Section C.3 of Order 90-133 included tasks which required the dischargers to perform a detailed evaluation of all remedial alternatives in order to select final remedial actions for soil and groundwater pollution (also known as a feasibility study). A feasibility study for the 401 and 411 High Street properties has not been completed.
3. **CEQA:** This action is an amendment of an order to enforce the laws and regulations administered by the Water Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
4. **Notification:** The Water Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
5. **Public Hearing:** The Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. 90-133 shall be amended as follows:

- A. Las Vegas II Storage, LLC is hereby named as a discharger by virtue of its current ownership of the 401 High Street property, but will only be responsible for complying with the requirements of this order in the event that the primarily-responsible dischargers fail to perform (secondarily-responsible status). For existing dischargers, the title "The Koch Trust" is hereby replaced with "Richard Koch, trustee for the R&N Koch Trusts", and the title "ARCO Corporation" is hereby replaced with "Atlantic Richfield Company."

B. Add new provision C.3.h:

TASK: REMEDIAL INVESTIGATION WORK PLAN

COMPLIANCE DATE: February 15, 2007

Submit a work plan acceptable to the Executive Officer to define the vertical and lateral extent of soil gas, soil, and groundwater pollution. The work plan should specify investigation methods and a proposed time schedule. Work may be phased to allow the investigation to proceed efficiently, provided that this does not delay compliance. The work plan shall include the following scope:

1. (401 High Street) Sample soil gas to define: the extent of toluene in the area immediately northwest of the property boundary, from the edge of the Estuary to at least 500 feet northeast; the extent of TPH as gasoline southwest of the 401/411 High Street property boundary and northwest of the property; and the extent of VOCs, particularly PCE, northwest to northeast of the northern corner of the property.
2. (401 High Street) Sample soil to define: the extent of toluene in the area immediately northwest of the property boundary, from the Estuary inland to at least 500 feet northeast; the extent of TPH as gasoline and diesel in the area around soil borings HA8, HA11, and HA18; and the extent of benzene in the area between HA11 and HA12 in the vicinity of former USTs 16, 17, and 18.
3. (401 High Street) Sample groundwater to define: the extent of toluene in Zone A and B in the area immediately northwest of the property boundary, from the Estuary inland to at least 500 feet northeast, except around well RW-1 in Zone B; the extent of TPH as gasoline in Zone B, and TPH as diesel exceeding the ESL in Zone A and B in the area between the central portion of the 401/411 High Street property boundary and soil borings HA8, HA11, and HA18; the extent of benzene in Zone A and B in the area around well SVE-8; the extent of VOCs, particularly 1,1-DCE, 1,1-DCA, and vinyl chloride, in Zone B in the area from wells RW-6 and MW-32B to the 401/411 High Street property boundary; and the extent of VOCs, particularly vinyl chloride and PCE, in Zone B northwest to northeast of the northern corner of the property.
4. (411 High Street) Sample soil gas to define: the extent of TPH as gasoline and diesel, and benzene northwest of SVP8, northeast across the property boundary between SVP11 and SVP10, and west across the 401/411 High Street property boundary between SVP1 and SVP6; and the extent of VOCs, particularly PCE, northwest and northeast of SVP3, and the northwestern 100 feet of the property.

Define the extent of vapor intrusion into nearby buildings through the use of indoor air sampling and/or sub-slab soil gas sampling, as appropriate.

5. (411 High Street) Sample vadose zone soil to define: the extent of toluene in the northwestern 100 feet of the property, west of well RW-10; the extent of TPH as gasoline and diesel, and benzene around well AMW-13A; the extent of TPH as diesel between wells FMW-2A and RW-10 and further northwest; the extent of TPH as gasoline around well AMW-9B; and the extent of benzene around well AMW-5A. Should any of the soil results exceed their ESLs for vapor intrusion into buildings, then sample the corresponding soil gas to define the extent exceeding their ESLs.
6. (411 High Street) Sample groundwater to define: the extent of toluene in Zone A and B the northwestern 100 feet of the property; the extent of TPH as gasoline in Zone B, and TPH as diesel in Zone A and B southwest of the central portion of the 401/411 High Street property boundary, from well AS-10 to wells AMW-3A/3B; the extent of TPH as gasoline and diesel, and benzene in Zone A and B east of wells AMW-2A/2B; and the extent of TPH as gasoline and diesel, benzene, and toluene in Zone B east of well AMW-9B and southwest of well AMW-5B.

C. Add new Provision C.3.i:

TASK: COMPLETION OF REMEDIAL INVESTIGATION

COMPLIANCE DATE: June 15, 2007

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task C.3.h. work plan. The technical report should define the vertical and lateral extent of pollution, as specified in Task C.3.h., to concentrations at or below the ESLs.

D. Add new Provision C.3.j:

TASK: DRAFT REMEDIAL ACTION PLAN INCLUDING DRAFT CLEANUP STANDARDS

COMPLIANCE DATE: October 15, 2007

Submit a technical report acceptable to the Executive Officer containing:

1. Results of the remedial investigation
2. Evaluation of the installed previous and ongoing remedial actions
3. Feasibility study evaluating alternative final remedial actions
4. Risk assessment for current and post-cleanup exposures
5. Recommended final remedial actions and cleanup standards
6. Implementation tasks and time schedule

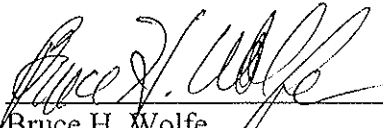
Item 3 should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Items 1 through 3 should be consistent with the guidance provided by Subpart E of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

Items 2 through 4 may include a summary of, and reference to, existing reports instead of a full replication of existing report information.

Item 5 should take into consideration applicable water quality objectives for the protection of ecological receptors, prevention of nuisance conditions, prevention of leaching of contaminants to groundwater, and protection of human health under a commercial/industrial indoor air exposure scenario, and should address the attainability of background levels of water quality.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 13, 2006.


Bruce H. Wolfe
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT
YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION
OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR
13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR
CIVIL OR CRIMINAL LIABILITY

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